

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOWEL S. NUNN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:06-cv-452-TMH-CSC
)	
GENEVA COUNTY COMMISSION,)	
et al.,)	
)	
Defendants.)	

DEFENDANT’S RESPONSE TO COURT’S ORDER

COMES NOW Geneva County, Alabama Sheriff Greg Ward, Defendant in the above-styled cause, and responds to the Court’s June 5, 2007 Order (Doc. 37) as follows:

1. On April 26, 2007, the Plaintiff submitted to this Court his objection to the Recommendation of the Magistrate Judge. See Objection to Report and Recommendations (Doc. 29). In his Objection, the Plaintiff requested, *inter alia*, that the Court issue an order “requir[ing] Defendant to furnish to the Plaintiff **all** medical requests [sic] forms which are **legible** instead of blank forms with nothing on them.” Id. at p. 2.

2. Later that day, the Court ordered Defendant Ward to provide the Plaintiff legible copies of all medical records and medical request forms contained in the Plaintiff’s jail file. See Order (Doc. 31).

3. On May 2, 2007, Defendant Ward notified the Court that on that date he transmitted to the Plaintiff copies of all medical records and medical request forms contained in the Plaintiff’s jail file. See Defendant’s Notice to Court (Doc. 32). Those copies were “provided exactly as they appear in the Plaintiff’s jail file.” Id.

4. Approximately one month later, the Plaintiff filed another Motion for Production of Documents in which he claimed that the Defendant was not in compliance with the Court's April 26, 2007 Order (Doc. 31), which required Defendant Ward to submit legible copies of all medical records and medical request forms contained in the Plaintiff's jail file. See Plaintiff's Motion for Production of Documents (Doc. 36-1). In his Motion, the Plaintiff complained that "you cannot read these copies." Id.

5. The following day the Court again ordered the Defendants to provide the Plaintiff with legible copies of all medical records and medical request forms contained in the Plaintiff's jail file. See Order (Doc. 37).

6. Defendant Ward hereby provides notice to the Court that on this date he transmitted to the Plaintiff, by U.S. Mail, postage prepaid, enhanced copies of the medical request forms contained in the Plaintiff's jail file. Through great effort, the Defendant was able to produce copies of Plaintiff's medical request forms which appear to be marginally more legible than the copies of said documents previously transmitted to the Plaintiff.

7. Defendant Ward agrees with the Plaintiff that some of the medical request forms are difficult to read. The undersigned counsel struggled to read the same medical records and medical request forms complained of by the Plaintiff when preparing Defendant's Special Report. See Defendant's Special Report (Doc. 13), p. 26 n.16 ("Comments written on the top half of the form – if any were made – ***are not dark enough to read on the photocopy.***") (emphasis added); Defendant's Special Report (Doc. 13), p. 27 ("Writing at the bottom of this Inmate Request Form states: 'Dr. OFC. closed on Friday's [sic] Will call for appt on Monday 6 6-05 [***the remaining writing is illegible***]'." (emphasis added); Defendant's Special Report (Doc. 13), p. 27 (noting, with respect to Exhibit C (Inmate Request Form dated June 4, 2005), that at

least three words therein are *illegible*); Defendant's Special Report (Doc. 13), pp. 28-29 (noting that several words are *illegible* on Inmate Request Forms).

8. Because the medical request forms in the possession of Defendant Ward are themselves partly illegible, the reproduction of such documents produces similarly illegible documents which are improved only so much by efforts to darken or enhance the copies. Please be aware that this Defendant has made more than a good faith effort to provide the Plaintiff with legible copies of all medical request forms found within the Plaintiff's jail file.

Respectfully submitted this the 14th day of June, 2007.

s/Daniel D. Fordham
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CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of June, 2007, I electronically filed the Defendant's Response to the Court's Order with the Clerk of the Court using the CM/ECF system, and mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Jowel S. Nunn
Ventress Correctional Facility
Post Office Box 767
Clayton, Alabama 36016

s/Daniel D. Fordham
OF COUNSEL